

EXHIBIT 46
[FILED UNDER SEAL]

CONFIDENTIAL

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

_____)
THE STATE OF TEXAS, et al.,)
Plaintiff(s),)
VS.) CIVIL ACTION NO.
GOOGLE, LLC,) 4:20-cv-00957-SDJ
Defendant(s).)
_____)

CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF [REDACTED] conducted
remotely via Zoom, before Jessica Noble, LSR No. 402 and
Notary Public in and for the State of Connecticut, on
Friday, May 3, 2024, at 12:05 p.m. EST.

Job No. CS6659843

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1 [REDACTED]
2 BY ATTORNEY VISSICHELLI:
3 Q [REDACTED]
[REDACTED]
5 A [REDACTED]
[REDACTED]
7 Q [REDACTED]
[REDACTED]
9 A [REDACTED]
10 Q [REDACTED]
11 A [REDACTED]
[REDACTED]
[REDACTED]
14 Q [REDACTED]
15 A [REDACTED]
16 Q [REDACTED]
17 A [REDACTED]
[REDACTED]
[REDACTED]
20 Q [REDACTED]
21 A [REDACTED]
[REDACTED]
[REDACTED]
24 Q [REDACTED]
25 A [REDACTED]

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1 [REDACTED]
2 Q [REDACTED]
3 A [REDACTED]
4 Q [REDACTED]
[REDACTED]
[REDACTED]
7 A [REDACTED]
8 Q [REDACTED]
[REDACTED]
10 A [REDACTED]
11 Q [REDACTED]
[REDACTED]
13 A [REDACTED]
14 ATTORNEY VISSICHELLI: You can put that
15 document aside. I think at this point I'm going to end my
16 questioning for now and pass the witness, reserving my time
17 for rebuttal. Thank you, [REDACTED]
18 THE WITNESS: Thank you.
19 CROSS-EXAMINATION BY ATTORNEY RENARD:
20 Q Good afternoon, [REDACTED]. How are you, sir?
21 A [REDACTED]
22 Q My name is Jim Renard. I believe I introduced
23 myself before we went on the record, sir, but I represent
24 the State of Texas, which is one of the many states that are
25 the plaintiffs in a federal court lawsuit that is pending

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1 against Google.
2 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
7 A [REDACTED]
8 Q [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
14 [REDACTED]
[REDACTED]
16 ATTORNEY VISSICHELLI: Objection to the
17 form.
18 THE WITNESS: [REDACTED].
19 BY ATTORNEY RENARD:
20 Q [REDACTED]?
21 A [REDACTED]
[REDACTED]
[REDACTED]
24 Q [REDACTED]
25 [REDACTED]

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1 [REDACTED]
2 ATTORNEY VISSICHELLI: Objection to the
3 form.
4 THE WITNESS: [REDACTED].
5 BY ATTORNEY RENARD:
6 Q [REDACTED]
[REDACTED]
[REDACTED]
9 ATTORNEY VISSICHELLI: Objection to the
10 form. Foundation.
11 THE WITNESS: [REDACTED].
12 BY ATTORNEY RENARD:
13 Q [REDACTED]
[REDACTED]
[REDACTED]
16 ATTORNEY VISSICHELLI: Objection to the
17 form.
18 THE WITNESS: [REDACTED].
19 BY ATTORNEY RENARD:
20 Q [REDACTED]
[REDACTED]
[REDACTED]
23 ATTORNEY VISSICHELLI: Objection to the
24 form.
25 THE WITNESS: [REDACTED]

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<p>1 CERTIFICATE OF REPORTER</p> <p>2 I, Jessica Noble, a Notary Public duly</p> <p>3 commissioned and qualified in and for the State of</p> <p>4 Connecticut, do hereby certify that pursuant to Notice,</p> <p>5 there came before me, on May 3, 2024, at 12:05 p.m. EST.,</p> <p>6 the following named person, to wit: [REDACTED], who was</p> <p>7 by me duly sworn to testify to the truth and nothing but</p> <p>8 the truth; that they were thereupon carefully examined</p> <p>9 upon their oath and their examination reduced to writing</p> <p>10 under my supervision; that this deposition is a true</p> <p>11 record of the testimony given by the witness.</p> <p>12 I further certify that I am neither attorney nor</p> <p>13 counsel for, nor related to, nor employed by any of the</p> <p>14 parties to the action in which this deposition is taken</p> <p>15 and further, that I am not a relative or employee of any</p> <p>16 attorney or counsel employed by the parties hereto, or</p> <p>17 financially interested in the action.</p> <p>18 IN WITNESS THEREOF, I have hereunto set my hand</p> <p>and affixed my seal this 6th day of May, 2024.</p> <p>19</p> <p>20</p> <p>21 _____</p> <p>22 Jessica Noble</p> <p>Notary Public</p> <p>23 CT License No. 402</p> <p>24</p> <p>My Commission expires: September 30, 2026</p> <p>25</p>	<p>1 ERRATA SHEET</p> <p>2</p> <p>REPORTER: Jessica Noble</p> <p>3</p> <p>4 CASE NAME: THE STATE OF TEXAS, et al.</p> <p>5 VS.</p> <p>6 GOOGLE, LLC</p> <p>7 PAGE LINE CORRECTION</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19</p> <p>20 NAME: _____</p> <p>21 DATE: _____</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Job No. CS6659843</p>
<p>1 JURAT</p> <p>2 I, [REDACTED], do hereby certify that the</p> <p>3 foregoing testimony given by me on May 3, 2024, is true</p> <p>4 and accurate, including any corrections noted on the</p> <p>5 corrections page, to the best of my knowledge and belief.</p> <p>6 _____</p> <p>Date [REDACTED]</p> <p>7</p> <p>8</p> <p>9 At _____ in said county of</p> <p>10 _____, this _____ day of _____,</p> <p>11 2024, personally appeared [REDACTED] and they made oath</p> <p>12 to the truth of the foregoing answers by them subscribed.</p> <p>13</p> <p>14 Before me, _____, Notary Public.</p> <p>15 My Commission expires:</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Job No. CS6659843</p>	<p>1 INDEX OF EXAMINATIONS</p> <p>2 Page</p> <p>3 [REDACTED]</p> <p>4 DIRECT EXAMINATION BY ATTORNEY VISSICHELLI 4</p> <p>5 CROSS-EXAMINATION BY ATTORNEY RENARD 79</p> <p>6</p> <p>7 INDEX OF EXHIBITS</p> <p>8 Nike</p> <p>9 Exhibit 1 Nike 0000547 through 0000631 35</p> <p>10 Exhibit 2 Nike 0000108 through 0000145 51</p> <p>11 Exhibit 3 Nike 0001380 through 0001452 62</p> <p>12 Exhibit 4 Nike 0000721 through 0000735 74</p> <p>13 Exhibit 5 Nike [REDACTED] 136</p> <p>14 [REDACTED]</p> <p>15 Exhibit 6 Nike 0000790 through 0000793 138</p> <p>16</p> <p>17 Exhibit 7 [REDACTED] 143</p> <p>18</p> <p>19 Exhibit 8 [REDACTED] 145</p> <p>20</p> <p>21 Exhibit 9 Subpoena 150</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>19 (REPORTER'S NOTE: THE EXHIBITS WERE MARKED ELECTRONICALLY.)</p>

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Veritext Legal Solutions

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973-410-4098

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1 AUSTIN SCHWING, ESQUIRE

2 aschwing@gibsondunn.com

3 May 6, 2024

4 RE: The State Of Texas, Et Al. v. Google LLC

5 5/3/2024, [REDACTED] (#6659843)

6 The above-referenced transcript is available for

7 review.

8 Within the applicable timeframe, the witness should

9 read the testimony to verify its accuracy. If there are

10 any changes, the witness should note those with the

11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of

13 Deponent and Errata and return to the deposing attorney.

14 Copies should be sent to all counsel, and to Veritext at

15 erratas-cs@veritext.com.

16 Return completed errata within 30 days from

17 receipt of testimony.

18 If the witness fails to do so within the time

19 allotted, the transcript may be used as if signed.

20

21

22 Yours,

23 Veritext Legal Solutions

24

25

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Veritext Legal Solutions

800-567-8658

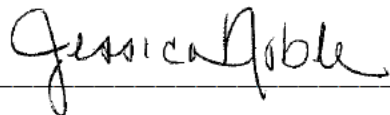
973-410-4098

CERTIFICATE OF REPORTER

I, Jessica Noble, a Notary Public duly commissioned and qualified in and for the State of Connecticut, do hereby certify that pursuant to Notice, there came before me, on May 3, 2024, at 12:05 p.m. EST., the following named person, to wit: [REDACTED], who was by me duly sworn to testify to the truth and nothing but the truth; that they were thereupon carefully examined upon their oath and their examination reduced to writing under my supervision; that this deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney nor counsel for, nor related to, nor employed by any of the parties to the action in which this deposition is taken and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, or financially interested in the action.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my seal this 6th day of May, 2024.

A handwritten signature in cursive script that reads "Jessica Noble". The signature is written in black ink and is positioned above a horizontal line.

Jessica Noble
Notary Public
CT License No. 402

My Commission expires: September 30, 2026

DECLARATION AND ERRATA SHEET

State of Texas v. Google LLC

Case No. 4:20-CV-00957-SDJ


Deponent: [REDACTED]

Deposition Date: May 3, 2024

Deposition Company: Veritext Legal Solutions

Page	Line	Original Text	Corrected Text	Reason
12	7	[REDACTED]	[REDACTED]	Transcription
48	25	[REDACTED]	[REDACTED]	Transcription
64	24	[REDACTED]	[REDACTED]	Transcription
78	18	[REDACTED]	[REDACTED]	Transcription
114	20	[REDACTED]	[REDACTED]	Transcription
115	14	[REDACTED]	[REDACTED]	Transcription

I declare under penalty of perjury that the foregoing corrections are true and correct. Executed on this 17 day of June, 2024.


[REDACTED]

CONFIDENTIALITY DESIGNATIONS

State of Texas v. Google LLC

Case No. 4:20-CV-00957-SDJ

Deponent: [REDACTED]

Deposition Date: May 3, 2024

Deposition Company: Veritext Legal Solutions

Pursuant to the protective order in the above-captioned case (Dkt. 182), Non-Party Nike, Inc. designates the following portions of the transcript of the deposition of Non-Party Deponent [REDACTED], taken in this matter on May 3, 2024, as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY.

- Page 11, lines 1-7, 16-18
- Page 17, lines 9-15
- Page 18, lines 1-2, 15-16, 19-24
- Page 21, lines 17-24
- Page 22 in its entirety
- Page 23, lines 1-15, 21-23
- Page 24, lines 4-9, 23-25
- Page 25, lines 1-3, 14-15
- Page 26, lines 23-25
- Pages 27-28 in their entirety
- Page 29, lines 1-20
- Page 30, lines 5-25
- Pages 31-33 in their entirety
- Page 34, lines 1-18
- Page 35, lines 5-25
- Pages 36-49 in their entirety
- Page 50, lines 1-12
- Page 51, lines 5-25
- Pages 52-56 in their entirety
- Page 57, lines 1-22
- Page 59, lines 7-25
- Pages 60-61 in their entirety
- Page 62, lines 1-6 and 19-25 in their entirety
- Pages 63-68 in their entirety
- Page 69, lines 1-20
- Page 70, lines 10-25
- Pages 71-73 in their entirety
- Page 74, lines 1-17
- Page 75, lines 5-25
- Pages 76-78 in their entirety
- Page 79, lines 1-13

- Page 80, lines 20-25
- Pages 81-82 in their entirety
- Page 83, lines 1-23
- Page 85, lines 19-25
- Page 86 in its entirety
- Page 87, lines 1-16
- Page 88, lines 13-15
- Page 89, lines 14-25
- Page 90, lines 1-4, 11-25
- Pages 91-95 in their entirety
- Page 96, lines 1-12
- Page 97, lines 10-25
- Pages 98-99 in their entirety
- Page 100, lines 1-10
- Page 101, lines 14-25
- Pages 102-110 in their entirety
- Page 111, lines 1-11
- Page 112, lines 24-25
- Pages 113-117 in their entirety
- Page 118, lines 1-3, 18-25
- Pages 119-132 in their entirety
- Page 133, lines 1-6
- Page 134, lines 8-21
- Page 135, lines 2-17
- Page 136, lines 19-25
- Page 137 in its entirety
- Page 138, lines 1-8, 19-25
- Pages 139-142 in their entirety
- Page 143, lines 13-25
- Page 144, lines 1-21
- Page 145, lines 10-25
- Page 146 in its entirety
- Page 147, lines 1-12, 17-25
- Pages 148-149 in their entirety
- Pages 151-153 in their entirety
- Page 154, lines 1-10

Dated: June 14, 2024

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Austin Schwing
Austin Schwing

Attorneys for Non-Party Nike, Inc.